

UNITED STATES DISTRICT COURT

DEC 22 2016

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America)

v.)

Juan Gerardo NAVARRO-Gomez)

YOB: 1997)

Mexican Citizen)

Case No. M-16-2358-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/09/2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(g)(5)(B)	unlawful possession of a firearm, in and affecting interstate and foreign commerce, by an alien who has been admitted to the United States under a nonimmigrant visa
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This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.Approved by AUSA D. PAXTON
DMP 12/22/16

Complainant's signature

Jorge Olivarez - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

December 22, 2016
4:00 pm

Judge's signature

City and state:

McAllen, Texas

U.S. Magistrate Peter E. Ormsby

Printed name and title

ATTACHMENT A

I, Special Agent Jorge Olivarez, affiant, do hereby depose and state the following:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since April 2006. My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who, being an alien and has been admitted to the United States under a nonimmigrant visa to possess a firearm or ammunition.
2. On December 9, 2016, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Homeland Security Investigations (HSI) Special Agents (SAs) with the assistance of the McAllen, TX Police Department Narcotics Division, purchased two (2) Barrett Model 82A1, .50 Caliber Rifles, from an individual later identified as Juan Gerardo NAVARRO-Gomez (hereinafter referred to as "NAVARRO"), in the parking lot of the Palm Villa Apartments located at 4217 Colbath Ave. in McAllen, Texas.
3. On December 8, 2016, through December 9, 2016, NAVARRO used WhatsApp voice messages, text messages, and phone calls to communicate and provide photographs prior to the sale of both firearms for \$11,000.00 dollars each.
4. On December 9, 2016, at approximately 5:00 pm, HSI SAs purchased a Barrett Model 82A1, .50 Caliber rifle, Serial Number 20876 from NAVARRO for \$11,000 dollars. Approximately two hours later, HSI and ATF SAs purchased the second Barrett Model 82A1, .50 Caliber rifle, Serial Number AA00388 from NAVARRO for \$11,000 dollars.

ATTACHMENT A

5. HSI conducted a database query and determined that NAVARRO is a citizen and national of Mexico who is in possession of a U.S. nonimmigrant visa (B1/B2). Due to NAVARRO's nonimmigrant status in the U.S., ATF determined that NAVARRO is prohibited from possessing a firearm.

6. An ATF SA firearm nexus expert examined the firearms and determined that both firearms were manufactured outside the state of Texas and therefore traveled in and affected interstate commerce.



Jorge Olivarez - ATF Special Agent

Sworn to before me and subscribed in my presence,



U.S. Magistrate Peter E. Ormsby



Date